

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)
v.)
RICHARD BOTCHWAY,)
Defendant,)
CRIMINAL ACTION
NO. 05-40035-FDS

FINAL STATUS REPORT
February 22, 2006

HILLMAN, M.J.

The following is a Final Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

Both parties represent that discovery is complete and that there are presently no issues involving discovery

2. Substantive Motions

The Defendant had filed a Motion For Leave To Subpoena Materials from the Massachusetts State Police. That motion was denied by Swartwood, C.M.J. Mr. Botchway intends to file a motion to suppress evidence and statements and he was given until March 17, 2006 to file those motions. I have further ordered that the Government shall have until March 31, 2006 to respond to the Defendant's motion to suppress.

3. Trial

The parties are unable to determine whether or not this matter will be resolved by trial or by change of plea because that decision rests on the outcome of a ruling on Mr. Botchway's motions to suppress.

4. Excludable Time

The Government has moved and without objection to exclude from the provisions of the Speedy Trial Act, the period from February 7, 2006 to and including March 31, 2006 (the time which the Government is to respond to Mr. Botchway's Motion To Suppress). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Friday, June 9, 2006.

/s/Timothy S. Hillman
TIMOTHY S. HILLMAN
MAGISTRATE JUDGE